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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Death Penalty as political tool to eliminate opponent

The death penalty is used against opposition members as a political tool for revenge. Currently, there are 7 people on death row in Bahrain, all coming from politically related backgrounds following the uprising in 2011. There are continuous complaints of rough arrests, torture and lack of access to legal counsel. We urge the Government of Bahrain to find alternative sentences for prisoners found to be guilty by an independent and fair judiciary and urge Bahrain to re-impose a moratorium on the death penalty with a view towards abolishing the practice.

There is widespread opposition from the international human rights community regarding the death penalty sentences in criminal cases. This opposition was formally manifested by the 117 countries voting in favour of the adoption of the United Nations resolution calling for a global moratorium on the death penalty.

Repressive authorities use the death penalty against opposition members, fabricating accusations and charges against them to score political points and seek revenge. From a criminal point of view, the international human rights community calls for the abolishment of the death penalty as it believes there is no tangible deterrent value to stop the offence being committed again. From a human rights perspective, the penalty should be abolished, as it has become a means for political tactics that are contrary to human rights such as political revenge and the silencing of political opponents. This is especially true when considering the lack of an independent, impartial and fair judiciary and the absence of the principles of separation of powers, resulting in the absence of the most basic conditions of fair trials. No doubt, it will result in unfair judgments being handed down, which is what is happening in Bahrain.

Seven sentenced to death following political pressure

Since February 2011 Bahrain's courts have issued a number of death sentences, some in military courts and others in criminal courts, in contravention to Article 10 of the Universal Declaration of Human Rights, and Article 6 of the International Covenant on Civil and Political Rights, which Bahrain is a state party to. According to the ICCPR, Bahrain should ensure that death penalty can only be handed for most serious crimes and pursuant to a final judgment rendered by a competent court.

The following have been sentenced to death in Bahrain since the popular 2011 uprising:

- Maher Khabaz (29 years-old) – sentenced in 2014
- Mohammed Isa (32 years-old) – sentenced in 2014
- HussainMoosa (28 years-old) – sentenced in 2014
- Salman Essa - sentenced on 29th April 2015.
- Abbas Alsamea - sentenced on 26 February 2015
- Sami Mashaima - sentenced on 26 February 2015
- Ali Alsingace - sentenced on 26 February 2015

As such, the total number of Bahrainis on death row has risen to 7, all coming from politically related backgrounds following the uprising in 2011.

On 26 February 2015, Bahrain's Higher Criminal Court sentenced Sami Mashaima, Abbas Alsamea, and Ali Abdulshaheed al-Singace to death for the killing three police officers on 3 March 2014 in the village of Daih. Seven additional defendants in the case, Ahmed Jaffar, Ali Jameel al-Samea, Taher al-Samea, Husain Ahmed, Hasan Sabah, Ahmed Matooq, and RedhaMushaima, were sentenced to life imprisonment. The court revoked the citizenship of eight of the ten defendants and fined all of the defendants each BDH 920,621 ($2,441,710 USD). During their initial detention, the Public Prosecution denied the defendants' access to legal counsel. In the lead up to the trial, Bahrain's public prosecution prevented the defendants' lawyers from accessing the case files and evidence, which included witness statements as well as video and photographs taken at the scene of the explosion.

During their detention, the Public Prosecution denied the defendants' access to legal counsel and prevented the defendants' lawyers from accessing the case files and evidence, which included witness statements as well as video and photographs taken at the scene of the explosion. Following their arrest, state newspapers published photos of the defendants, alleging that they were guilty of the explosion. During the trial, the judge prevented the lawyers from cross-examining the public prosecution's witnesses. As a result of these due process violations, the defendants' lawyers withdrew from the case, and a number of the defendants' boycotted the hearings, to protest the grossly unfair and biased investigation and trial.

Defendants: "The cases are fabricated, the torture is brutal, and death penalty sentence too severe"

All those sentenced to death have complained of the same or similar treatments and processes. These include rough arrests, harsh torture and obscure and questionable evidences. These all strongly indicate and illustrate a political scheme. The typical practices endured by death row inmates include:

- Blindfolding
- Long periods of forced standing
- Electrocution
- Beatings with hose pipe and metal sticks
- Insults
- Threats that a family member will be targeted
- Sleep deprivation
- Food deprivation
- Prayer deprivation
- Toilet deprivation
- Beatings in sensitive areas, such as the genitalia
- Cold water splashing
- Forced stay in cold rooms
- Suspension from ceiling (falaqa)
- Stripping of clothes
- Sexual assaults
- Solitary confinement

Death row prisoner, Abbas Alsamea, confirmed such practices after his sentencing on 26 February 2015, stating: "The monstrous physical and psychological torture was unbearable, my family were threatened, and even my lawyers were threatened from being expelled and having their licences revoked."

Similarly, Mohammed Ramadan and Husain Ali Moosa state that authorities tortured them into confessing to the crime. According to Moosa, authorities hung him from a ceiling for three days, beat him and threatened to harm his relatives. Ramadan was allegedly arrested without a warrant and violently beaten on sensitive parts of his body until he agreed to confess. Both have subsequently had their sentences upheld by the Court of Cassation on 16 November 2015 despite having recanted their confessions and reiterating that they confessed under torture. Their allegations have not incited any investigation.

Recommendations:

1 – Urge the UN Human Rights Council and involved bodies to prevent countries like Bahrain, which lack justice and fairness and have a history of trial manipulation, from issuing and carrying out death penalties, specifically against political and human rights activists.

2 – Expect from the international community to oppose and restrain death sentences lacking conditions of fairness, transparency and fair litigation

3 – Request that the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Bahrain.

4 – Oblige the Government of Bahrain to set a date for Special Rapporteurs to visit, communicate and meet with death row prisoners.

5 – Urge the Government of Bahrain to find alternative sentences for prisoners found to be guilty by an independent and fair judiciary and urge Bahrain to re-impose a moratorium on the death penalty with a view towards abolishing the practice.

6. Call on Bahrain to investigate all allegations of torture made by persons sentenced to death, and to dismiss any and all convictions made on the basis of confessions obtained under conditions of torture.

References:
http://www.salam-dhr.org/?p=943
http://www.ohchr.org/EN/Issues/DeathPenalty/Pages/DPIndex.aspx
https://www.fidh.org/en/region/north-africa-middle-east/bahrain/rights-groups-condemn-death-penalty-sentence-of-mohammed-ramadan-and

SALAM for Democracy and Human rights, an NGO without consultative status, also shares the views expressed in this statement.